

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Bernard A. Hurley,

Plaintiff,

vs.

Lt. Lovett, Brandon Strickland, Robbie Byrd, Dyar
Archibald,

Defendants.

) C/A No. 8:17-1993-JMC-KFM

)

)

)

) **REPORT AND RECOMMENDATION**

)

)

)

)

)

)

)

On June 1, 2016, the plaintiff, proceeding *pro se*, filed this action alleging civil rights violations pursuant to 42 U.S.C. § 1983 (doc. 1). On September 1, 2017, the undersigned authorized service of process (doc. 18). The summons was returned unexecuted with respect to Defendant Brandon Strickland on September 25, 2017 (doc. 24). The summons was returned executed with respect to the remaining defendants (doc. 23). On October 2, 2017, the undersigned ordered the plaintiff to complete and return a new summons and Form USM-285 for Strickland by October 23, 2017 (doc. 26). The plaintiff was told that if he could not provide a new address for Strickland, he must notify the Court whether he agreed to dismiss the defendant without prejudice or whether he required more time to serve the defendant (*id.*). The plaintiff was warned that he was responsible for providing information sufficient to effect service on Strickland and if he failed to provide the requested information, the court would recommend that Strickland be dismissed without prejudice (*id.*). The plaintiff did not respond to the order and the time for response has lapsed. Accordingly, it is recommended that Defendant Brandon Strickland be dismissed from this case without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962).

IT IS SO RECOMMENDED.

s/ Kevin F. McDonald
United States Magistrate Judge

November 7, 2017
Greenville, South Carolina

The plaintiff's attention is directed to the important notice on the next page.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
300 East Washington Street
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).